

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.15485 of 2019 (O&M)

Date of decision: May 31, 2019

Hardial Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.K. Arora, Advocate for the petitioner.

Ms. Anu Chatrath, Addl. A.G. Punjab.

Rajan Gupta, J.(oral)

Petitioner has impugned the show cause notice dated 6.5.2019

(Annexure P-6). Operative part thereof reads as under:-

“You have acquired B.A. Degree through distance Mode from Mahatama Gandhi University, Meghalaya, which, as stated above, is valid only in the State of Meghalaya, but not valid in the State of Punjab. Therefore, on account of invalid B.A. Degree acquired by you from Mahatama Gandhi University, Meghalaya, your services are liable to be terminated with immediate effect as per condition No.4(ii) of your appointment letter. Thus, it is proposed to terminate your services with immediate effect under Rule 13 (1) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 and to initiate legal proceedings against you.

In this regard, if you wish to say anything in your defence, then your reply in writing shall reach the undersigned within a period of 15 days from the date of issuance of this notice. In case the reply is not received within stipulated time period, ex-parte decision will be taken in your case.

In this regard, if you wish to seek personal hearing then you can seek the same during the period prescribed in this notice, failing which, the final decision will be taken in your case.

Sd/-
Director State Transport Punjab.”

It has been urged before the court that since the degree in question is recognized in certain other States, there is no plausible reason for not accepting it in State of Punjab. Assistance of the State counsel has also been sought. She submits that only a show cause notice has been served upon the petitioner. He is at liberty to respond to the same.

Petition is, thus, disposed of with liberty to the petitioner to submit a comprehensive response to the show cause notice and seek personal appearance, if necessary. The competent authority may consider all the submissions and pass a speaking order at the earliest, preferably within one month. In the eventuality any adverse order is passed, same be conveyed to the petitioner forthwith. However, operation thereof be kept in abeyance for two weeks.

(RAJAN GUPTA)
JUDGE

May 31, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No